



Lake County Public Library

Reference Services

1919 West 81st Avenue Merrillville, IN 46410

(219) 769-3541 FAX (219) 756-9358

June 15, 1999

Mr. Jeff Sewell
Solid Waste Facilities Branch
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015, Rm N1154
Indianapolis, IN 46206-6015

Dear Mr. Sewell,

Lake County Public Library has received one 3 ring binder with the title
Response
To
Request for Additional Information
New Construction/Demolition Waste
Landfill

dated December 1998. This binder was received Friday, May 28, 1999. The West Creek Prairie Construction/Demolition Landfill reports have not all been delivered to our library. We are still waiting for another report binder and maps for this project.

Concerned citizens have been asking for the complete information packet and we do not have them. The library has always cooperated with state and local agencies as a public information platform and forum.

Today, June 15, 1999, a Lowell citizen requested the entire information packet. As of 3:00 p.m. Lake County Public Library in Merrillville did not have the complete information packet for West Creek Prairie C/D Landfill. Please rectify this oversight.

Thanking you in advance for your cooperation,

Ana Grandfield, Manager
Reference Services



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live

Frank O'Bannon
Governor

Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.state.in.us/idem

May 24, 1999

VIA CERTIFIED MAIL Z 441 080 001

Mr. Robert Feddeler
West Creek Land Company, L.L.C.
18501 Clark Road
Lowell, IN 46356

Dear Mr. Feddeler:

Re: Completeness Review
 Construction/Operation Permit
 West Creek Prairie C/D Site
 Lake County

The completeness review of the Construction/Operation Permit Application, received by the Indiana Department of Environmental Management (IDEM) on July 13, 1998, for the proposed West Creek Prairie Construction/Demolition Site, located in Lake County, has been completed. Your application for the above-referenced facility is complete and will now proceed to technical review.

This letter concerns the results of a completeness check on your application only. It shall not be construed to imply that any technical items are adequate or inadequate, or that the application or facility is in any other way acceptable or unacceptable.

As discussed with your consultants, Weaver, Boos, and Gordon, for the purposes of making this application complete, IDEM will accept their professional judgement that the revised facility design does not impact jurisdictional wetlands; however, IDEM requires a wetlands delineation from the US Army Corp of Engineers be provided to verify that the proposed facility does not impact jurisdictional wetlands. IDEM understands that Weaver, Boos, and Gordon has initiated the process of obtaining a wetlands delineation from the US Army Corp of Engineers and that this information will be provided to IDEM as a part of the ongoing technical review of the application.

Mr. Feddeler
Page 2.

This determination of completeness triggers time frames for completing the public process requirements of 329 IAC 10-12-1. A copy of this Rule is enclosed for your reference. Review this Rule immediately and act accordingly as failure to comply may result in the denial of your application. Rule 12 includes some requirements for which you are responsible and others for which IDEM is responsible.

At your earliest convenience please call (800) 451-6027, press 0 and ask for Jeff Sewell, at extension 3-5562 or dial (317) 233-5562 to coordinate the completion of the public process requirements.

Sincerely,



Jerome Rud, Chief
Solid Waste Permit Management Section
Solid and Hazardous Waste Management

JS/jep

Enclosure: 329 IAC 10-12-1

cc: Larry Emerson, P.E., Weaver, Boos, and Gordon
Lake County Health Department
Lake County Commissioners
Northwest Regional Office
Lake County Solid Waste Management District
The Honorable Robert D. Kuzman, State Representative
The Honorable Dan Stevenson, State Representative
The Honorable Jesse M. Villalpando, State Representative
The Honorable Chester F. Dobis, State Representative
The Honorable Vernon G. Smith, State Representative
The Honorable Timothy Fesko, State Representative
The Honorable Ron Tabaczynski, State Representative
The Honorable Sue Landske, State Senator
The Honorable Rose Ann Antich, State Senator
The Honorable Sandra Dempsey, State Senator
The Honorable Earline S. Rogers, State Senator
The Honorable Lonnie M. Randolph, State Senator
West Creek Township for a Cleaner Environment
Melinda Shapiro, Esq.
Andrew Bowman, Esq.
Henry Kaszuba
Larry Stoller
Martin Kroll

Laurie Kender
10211 W. 181st Ave.
Lowell, IN 46356

On May 24, 1999, IDEM issued a Letter of Completeness for the Construction/Operation Permit Application for the West Creek Prairie C/D Site, and the technical review of the application began. This letter stated, among other things, that this determination of completeness triggers time frames for completing the public process requirements of Rule 329 IAC 10-12-1, a copy of which was included. It further pointed out that failure to comply could result in the denial of the application.

Section 1, subsection (e) reads: "Within **five (5) days** after the application has been deemed complete by the department, the applicant shall place a copy of the **complete** application and any additional information that the department requests at a library in the county where the facility will be located." Subsection (g) states: "Failure of the applicant to comply with subsections (c) through (f) may result in the **denial** of the application by the department."

Since the letter of completeness was issued on May 24, 1999, the copy of the **complete** application should have been in a library and available to concerned citizens by May 29th. On May 28th, one 3-ring binder titled "Response to Request for Additional Information New Construction/Demolition Waste Landfill" was delivered to the Lake County Public Library in Merrillville; the complete information packet, which should have included a binder containing the actual application and the maps of the proposed facility, was still unavailable on June 15th, 17 days after the deadline, as documented by the attached letter from the Lake County Public Library. It was not available at the Lowell Public library at that time, either.

This lack of compliance is clearly in violation of the Rule, and the application should be denied. The question has to be asked - why were these materials not delivered on time? Was this a deliberate ploy to deprive people opposed to the landfill of the opportunity to study the material in time to properly prepare for the public meetings? Or is this simply another instance of the continuation of past practices - for example, being consistently late, in some cases by as much as a

year, on the required quarterly tonnage reports? In either case, this application must be denied, and should not have been allowed to proceed even this far.

Attachments: copy of Letter of Completeness
copy of Rule 329 IAC 10-12-1
copy of letter from Lake County Public Library

RACHEL'S HAZARDOUS WASTE NEWS #316

---December 16, 1992---

News and resources for environmental justice.

Environmental Research Foundation
P.O. Box 5036, Annapolis, MD 21403
Fax (410) 263-8944; Internet: erf@igc.apc.org

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with the single word SUBSCRIBE in the message. It's free.

NEW EVIDENCE THAT ALL LANDFILLS LEAK

Starting in the 1970s and continuing throughout the 1980s, U.S. Environmental Protection Agency [EPA] funded research which showed that burying household garbage in the ground poisons the groundwater. On several occasions, EPA spelled out in detail the reasons why all landfills leak. (For example, see RHWN #37, #71, and #116)

Then in late 1991, after several years of deliberation, EPA chief William Reilly issued final landfill regulations that allow the continued burial of raw garbage in landfills. (See RHWN #268.) EPA's 1991 regulations require an expensive landfill design: two liners in the ground and an impervious plastic cover over the landfill after it has been filled with garbage. This is "state of the art" technology, the very best that modern engineers can build. However, EPA officials still expect such landfills to fail and eventually poison groundwater.

As early as 1978, EPA knew why all landfills eventually leak. The main culprit is water. Once water gets into a landfill, it mixes with the garbage, producing a toxic leachate ("garbage juice"), which is then pulled downward by gravity until it reaches the groundwater. Therefore, the goal of landfill designers (and regulators) is to keep landfills dry for the length of time that the garbage is dangerous, which is forever.

Now a 1992 report from a California engineering-consulting firm, G. Fred Lee & Associates, has examined recent scientific studies and has confirmed once again why modern "dry tomb" landfill technology will always fail and should always be expected to poison groundwater.[1]

The new report, authored by Fred Lee and Anne Jones, reviews recent evidence--much of it produced by government-funded research--that landfill liners leak for a variety of reasons; that leachate collection systems clog up and thus fail to prevent landfill leakage; that landfill leachate will remain a danger to groundwater for thousands of years; that even

low-rainfall areas are not safe for landfill placement; that gravel pits and canyons are particularly dangerous locations for landfills; that maintaining a single landfill's cap for the duration of the hazard would cost hundreds of billions, or even trillions, of dollars; that groundwater monitoring cannot be expected to detect landfill leakage; that groundwater, once it is contaminated, cannot be cleaned up and must be considered permanently destroyed; and that groundwater is a limited and diminishing resource which modern societies grow more dependent on as time passes.

A 1990 examination of the best available landfill liners concluded that brand-new state-of-the-art liners of high density polyethylene (HDPE) can be expected to leak at the rate of about 20 gallons per acre per day (200 liters per hectare per day) even if they are installed with the very best and most expensive quality-control procedures.[2] This rate of leakage is caused by pinholes during manufacture, and by holes created when the seams are welded together during landfill construction.

(Landfill liners are rolled out like huge carpets and then are welded together, side by side, to create a continuous field of plastic.) Now examination of actual landfill liners reveals that even the best seams contain some holes.

In addition to leakage caused by pinholes and failed seams, new scientific evidence indicates that HDPE (high density polyethylene, the preferred liner for landfills) allows some chemicals to pass through it quite readily. A 1991 report from University of Wisconsin shows that dilute solutions of common solvents, such as xylenes, toluene, trichloroethylene (TCE), and methylene chloride, penetrate HDPE in one to thirteen days. Even an HDPE sheet 100 mils thick (a tenth of an inch)--the thickness used in the most expensive landfills) is penetrated by solvents in less than two weeks.

Another problem that has recently become apparent with HDPE liners is "stress cracking" or "brittle fracture." For reasons that are not well understood, polyethylenes, including HDPE, become brittle and develop cracks. A 1990 paper published by the American Society for Testing Materials revealed that HDPE liners have failed from stress cracks in only two years of use. Polyethylene pipe, intended to give 50 years of service, has failed in two years. Lee and Jones sum up (pg. 22), "While the long-term stability of geomembranes (flexible membrane liners) in landfills cannot be defined, there is no doubt that they will eventually fail to function as an impermeable barrier to leachate transport from a landfill to groundwater. Further, and most importantly at this time, there are no test methods, having demonstrated reliability, with which to evaluate long-term performance of flexible membrane liners."

Recent scientific studies of clay indicate that landfill liners of compacted clay leak readily too. For example, a 1990 study concludes,

[I]F A NATURALLY OCCURRING CLAY SOIL IS COMPACTED TO HIGH DENSITY, THEREBY PRODUCING A MATERIAL WITH VERY LOW HYDRAULIC CONDUCTIVITY, AND IF IT IS MAINTAINED WITHIN THE SAME RANGES OF TEMPERATURE, PRESSURE, AND CHEMICAL AND BIOLOGICAL

ENVIRONMENT, IT WOULD BE EXPECTED TO FUNCTION WELL AS A SEEPAGE BARRIER INDEFINITELY. IN WASTE CONTAINMENT APPLICATIONS, HOWEVER, CONDITIONS DO NOT REMAIN THE SAME. THE PERMEATION [PENETRATION] OF A COMPACTED CLAY LINER BY CHEMICALS OF MANY TYPES IS INEVITABLE, SINCE NO COMPACTED CLAY OR ANY OTHER TYPE OF LINER MATERIAL IS EITHER TOTALLY IMPERVIOUS OR IMMUNE TO CHEMICAL INTERACTIONS OF VARIOUS TYPES.

The 1992 study by Lee and Jones is an excellent resource for anyone wanting to understand why landfills always fail. In their footnotes, they cite 18 other studies of landfill problems that they themselves have authored, so their expertise is unquestionable, their information reliable, their arguments solid.

There has been sufficient scientific evidence available for a decade to convince any reasonable person that landfills leak poisons into our water supplies, and are therefore anti-social.

The question remains: what will it take to convince government--specifically EPA--to base policy on its own scientific studies and its own understanding?

The new EPA administrator is Carol M. Browner, an avowed environmentalist from Florida. Asked to describe Ms. Browner's style, John Sheb, head of Florida's largest business trade association, said: "She kicks the door open, throws in a hand grenade, and then walks in to shoot who's left. She really doesn't like to compromise."

Maybe Ms. Browner could start with a wake-up grenade in the Office of Solid Waste.
--Peter Montague, Ph.D.

[1] G. Fred Lee and Anne R. Jones, MUNICIPAL SOLID WASTE MANAGEMENT IN LINED, "DRY TOMB" LANDFILLS: A TECHNOLOGICALLY FLAWED APPROACH FOR PROTECTION OF GROUNDWATER QUALITY (El Macero, Calif.: G. Fred Lee & Associates, March, 1992). Available from: G. Fred Lee & Associates, 27298 East El Macero Drive, El Macero, CA 95618-1005. Phone (916) 753-9630. 67 pgs.; free.

[2] Rudolph Bonaparte and Beth A. Gross, "Field Behavior of Double-Liner Systems," in Rudolph Bonaparte (editor), WASTE CONTAINMENT SYSTEMS: CONSTRUCTION, REGULATION, AND PERFORMANCE [Geotechnical Special Publication No. 26] (New York: American Society of Civil Engineers, 1990), pgs. 52-83.

Descriptor terms: landfilling; liners; leachate collection systems; groundwater; epa; waste disposal technologies; hdpe; waste treatment technologies; msw;

8.19.99

Panel calls for moratorium on bulk sale of Great Lakes water

■ U.S.-Canadian report suggests conservation while issue is studied.

BY KATHERINE RIZZO
Associated Press Writer

WASHINGTON — The United States and Canada should not consider selling any bulk sales of Great Lakes water, at least while the issue is studied, a U.S.-Canadian commission said Wednesday.

"There should be a bias in favor of retaining water in the system and using it more efficiently and effectively," said Leonard Legault, chairman of the International Joint Commission's Canadian section.

The Great Lakes water has never been sold in bulk, and there are no requests pending in either country to move water out via pipeline, truck or ship. However, an aborted sales proposal last year aroused concern on both sides of the border, leading to the study.

It plans public hearings in Milwaukee in September and in Buffalo, N.Y.; Detroit; Gary, Ind.; Duluth, Minn.; Washington, D.C.; Toronto, Ottawa, Thunder Bay, Sault Ste. Marie and London, Ontario, and Montreal, Quebec, in October.

Lee Botts, a Gary environmental activist and member of the Lake Michigan Federation,

"The shortage of fresh water worldwide is growing. I don't think the Great Lakes can satisfy that shortage, and frankly, it will only cause problems here."

Lee Botts,
Lake Michigan Federation

testified against the diversion of Great Lakes water at an International Joint Commission public hearing in Chicago this spring.

"It could have tremendous consequences because of the precedent it would set for allowing the diversion of water in the Great Lakes basin in the face of growing demand for water around the globe," Botts said.

"The shortage of fresh water worldwide is growing. I don't think the Great Lakes can satisfy that shortage, and frankly, it will only cause problems here."

The commission — in an interim report released Wednesday — suggested a six-month moratorium on bulk water sales while it completes its yearlong study of the issue. That study is intended

to help determine the governments' next steps. "You fix the roof when the sun shines, and right now there are not any demands for big bulk removal," said Thomas Baldini, who heads the commission's U.S. section.

There is sentiment in both governments for making sure the water doesn't become a long-haul commodity.

In Ottawa, Foreign Affairs Minister Lloyd Axworthy issued a statement promising to introduce amendments to the International Boundary Waters Treaty Act this fall that will enable Canada to prohibit removal of water from the lakes.

In Washington, legislation already has been introduced to ban bulk shipments of Great Lakes water pending joint action by both nations.

That bill's sponsor, Rep. Bart Stupak, D-Mich., said Wednesday that the report's conclusion that the lakes have no surplus water support his plan "for legislative action to prevent water sales now and set a policy for any future sales."

Of the lakes' entire volume (about 6 quadrillion gallons), rain and snow recycle only about 1 percent, Legault said.

"You can't think of the Great Lakes as a virtually bottomless reservoir," he told reporters. "Once you go beyond that 1 percent, you're mining."

Kenneth Kender
10211 W. 181st Ave.
Lowell, IN 46356

One of our major concerns is in reference to the possibility of ground water contamination caused by materials dumped in the landfill. We are told that this is unlikely in a C/D landfill, but there aren't any ironclad guarantees, and once the water is contaminated, it will be too late to stop it. Of course, the Feddelers have stated that they will only accept the materials that are allowed for a landfill of this type, but realistically, even with the best of intentions and procedures, it is probably inevitable that some restricted materials will be missed in the sorting and end up in the landfill. Only a clay base is required as a liner for a C/D landfill. It has been widely documented that **all** liners, even the composite liners that are not required for a C/D landfill, will leak and allow seepage of leachate eventually, potentially causing the contamination of ground water, aquifers, and drinking water wells at neighboring residences.

The application contains no plan for monitoring wells to test the quality of the water at all, much less on a regular, ongoing basis. There is no plan for leachate collection. Worst of all, there is no plan included to restore drinking water for all the adjacent homeowners, who depend on their wells, if contamination does occur. There is no possibility of obtaining water from Lake Michigan. According to an article in the Times on August 19th of this year, an interim report was released by an International Joint Commission on August 18th, which stated that the Great Lakes have no surplus water. Legislation has already been introduced in Washington to ban bulk shipments of Great Lakes water. Probably the only recourse homeowners would have if the wells became contaminated would be lawsuits, which could take years to settle, leaving the residents without drinking water during the entire time. Why take such a risk, when there already is a landfill just 10 miles south of here in Newton county that will accept any type of debris?

Obviously, with no source of drinking water, property values of the homes would plummet, if they retained any value at all. While the counsel for West Creek Prairie Landfill would no doubt argue that there is no 'proof' that the proximity of a C/D landfill would cause nearby homeowners' property values to decline, it's simply a matter of basic common sense that the

increased dust, noise, traffic and resulting air pollution, not to mention the eyesore of a 90-foot high pile of bare dirt and debris, possibly combined with a total lack of drinking water, would cause anyone looking for a pleasant home in which to invest thousands of dollars to quickly look elsewhere. And although the landfill is required to be covered in order to improve the esthetics, that won't happen until the landfill closes some 25 years from now, as we can see from the existing landfill.

As supporting, anecdotal 'proof', my husband and I have already begun to feel the effects of this landfill. We obtained 2 appraisals for our property a couple of years ago, after the Feddelers' began filling in, in order to refinance our mortgage. The second appraisal was more than 20% less than the first. The notation was made by the appraiser in the lower estimate that 'something' was in progress on the adjacent property that might adversely affect the market value of our property in the future. We were turned down by the bank that requested that appraisal due to the low appraised value.

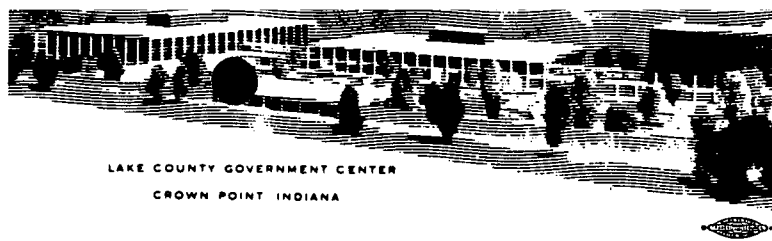
Attachment: documentation of liner leakage

Times article 'Panel calls for moratorium on bulk sale of Great Lakes water -

8/19/99

LAKE COUNTY COUNCIL

LAKE COUNTY GOVERNMENT CENTER
2293 NORTH MAIN STREET
CROWN POINT, INDIANA 46307
219-755-3280
FAX: 219-755-3283



7th District

LARRY BLANCHARD
950 CYPRESS PTE. DR., APT. F163
CROWN POINT, INDIANA 46307
HOME 662-8219
WORK 663-3349

August 29, 1999

Mr. Jeff Sewell
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46206-6015

Dear Mr. Sewell:

I apologize for not being able to make a statement at the Public Hearing Tuesday. Please allow this letter to serve as my testimony on the request of a new permit for West Creek Prairie Construction/Demolition Site by Mr. Robert Feddeler.

As a member of the Legislative Branch of Lake County Government representing the largest portion of the unincorporated area, I receive many calls with complaints about threats to public health and safety. When necessary, I have been the author of local Ordinances to address those concerns. One example the Council addressed recently, was the discharge of firearms in close proximity to a subdivision.

Another, because direct action from local government could not supersede State authority with an ordinance, was to petition the State for the creation of a Regional Authority (Utility) for Lake Dale.

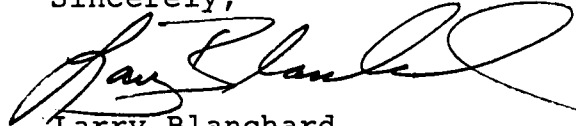
For nearly five years, I have fought to serve the citizens of the 7th County Council District which I represent, to the best of my ability. For nearly half of that time, I have fielded complaints about the existing Feddeler Construction/Demolition Site. I have seen pictures of violations and written documentation from your Office. It seems to me that the Feddelers have taken the stand that they are above the law and only comply when it suits them and doesn't have a direct impact on their bottom line.

As we learn more and more about just how fragile our environmental system is, we become more aware of the importance of whom we entrust with the responsibility of safeguarding valuable natural resources. That's where the fine line comes in between caring about being good landlords of nature's gifts or the almighty dollar.

The Council has taken steps through the adoption of a Comprehensive Plan to ensure that the proposed site remain greenspace. I would ask that IDEM honor this Resolution.

In light of the Feddeler's aloofness to regulations during the operation of their present Construction/Demolition Site, I would ask that IDEM deny their request for a new permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Blanchard", with a large, stylized flourish extending from the end of the name.

Larry Blanchard
Lake County Council District 7
2293 N. Main Street
Crown Point, Indiana 46307

STATE OF INDIANA)
)
COUNTY OF MARION)

BEFORE THE INDIANA DEPARTMENT
SS: OF ENVIRONMENTAL MANAGEMENT

COMMISSIONER OF THE DEPARTMENT)
OF ENVIRONMENTAL MANAGEMENT,)

Complainant,)

v.)

Respondent-CAPS~R&M ENTERPRISES, INC.)
d/b/a Feddeler Construction/Demolition Landfill)

Respondent.)

CAUSE NO. «Cause_No» SW-387

AGREED ORDER

The Complainant and the Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to IC 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violations contained herein.

I. FINDINGS OF FACT

1. Complainant is the Commissioner (hereinafter referred to as "Complainant") of the Indiana Department of Environmental Management, a department of the State of Indiana created by IC 13-13-1-1.
2. Respondent is R&M Enterprises, Inc. (hereinafter referred to as "Respondent"), who is a company doing business as Feddeler Construction/Demolition (C/D) Landfill ("Site")«Site_location», located at 10100 West 181st Avenue, Lowell, Lake County, Indiana.
3. The Indiana Department of Environmental Management ("IDEM") has jurisdiction over the parties and subject matter of this action.
4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation via Certified Mail to:

Mr. Robert Feddeler, Owner
R & M Enterprises, Inc.
18501 Clark Road
Lowell, Indiana 46356

5. IC 13-30-2-1(7) which states that a person may not: "Construct, install, operate, conduct, or modify, without prior approval of the department, any equipment or facility of any type that may: (A) cause or

contribute to pollution; or (B) be designed to prevent pollution. However, the commissioner or the appropriate board may approve experimental uses of any equipment, facility, or pollution control device that is considered necessary for the further development of the state of the art of pollution control." On May 14, 1998, the Complainant determined that Respondent had violated this statute by filling certain areas of the Site above and beyond the final fill contours specified in the site map dated May 29, 1981, which had been submitted to the IDEM's predecessor agency in support of the application for a solid waste facility permit.

6. 329 IAC 10-13-6(d) which states: "To request a change in the facility plans or operation, the permittee must request that the commissioner modify the permit before any permitted changes are made in the approved plans. The application must provide the rationale for such modification to the commissioner for review. If the commissioner determines that the requested modification is consistent with the standards established in this article, the commissioner shall grant the modification. Only the conditions subject to modifications are reopened. The commissioner shall give notice to the permittee of the determination on the modification in accordance with IC 13-7-10-5 and IC 4-21.5-3-7." (IC 13-7-10-5 has been recodified at IC 13-15-7). On May 14, 1998, the Complainant determined that Respondent had violated this regulation by filling certain areas of the Site above and beyond the approved final fill contours for the Site without obtaining a permit modification from IDEM.
7. 329 IAC 10-13-4(c) which states: "The permittee shall construct and operate a solid waste land disposal facility in accordance with the permit. The owner, operator, and permittee are equally responsible for complying with the conditions of the permit, the regulations, and the statutes." On May 14, 1998, the Complainant determined that Respondent had violated this regulation by filling certain areas of the Site above and beyond the permitted final fill contours for the Site.
8. The Complainant has determined that the Respondent has overfilled 66,000 cubic yards of construction/demolition material located on the southwest portion of the landfill.
9. In recognition of the settlement reached, Respondent waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by the Complainant or his delegate, and has been received by the Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Within thirty (30) days from the Effective Date of this Agreed Order, Respondent shall submit a minor modification application for Permit No. 45-08 to allow the 66,000 cubic yards of overfilled material to remain in place. A revised final contour map shall be included in the minor modification application. Such an application will have to be evaluated on its own merits.
3. If the minor modification application is approved, the Respondent shall leave the 66,000 cubic yards in place as pursuant to the minor modification approval.
4. If the minor modification application is denied, the Respondent shall do the following:
 - a. Respondent shall within two hundred and ten (210) days of the Effective Date of this Agreed Order, excavate the overfill that exists above the permitted landfill boundary. Respondent shall dispose of all waste excavated in the approved fill area of the Site or at another permitted solid

waste facility.

- b. Respondent shall notify IDEM within ten (10) working days of the date that excavation shall take place.
 - c. Respondent shall within two hundred and seventy (270) days of the Effective Date of this Agreed Order, apply final cover, grade and seed the areas filled to approved final contours in accordance with 329 IAC 10.
 - d. Respondent shall within two hundred and eighty-five (285) days of the Effective Date of this Agreed Order, submit certification from a Professional Engineer or a Registered Land Surveyor confirming compliance with this Agreed Order and the approved final contour map. Respondent shall submit receipts from other permitted solid waste facilities, if the waste was deposited offsite.
5. Respondent shall not conduct any unpermitted activities at the Site.
 6. Upon the Effective Date of this Agreed Order, the Respondent shall properly implement and/or maintain all necessary erosion control measures at the Site and on the fourteen (14) acres leased by the Respondent north of the Site.
 7. All submittals required by this Agreed Order, unless notified otherwise in writing, shall be sent to:

«Case Manager» Brett E. DeBusk, Enforcement Case Manager
Office of Enforcement
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

8. The Respondent is hereby assessed a Civil Penalty of Ninety Eight Thousand Eight Hundred Sixty Two Dollars and Fifty Cents (\$98,862.50). Within thirty (30) days of the Effective Date of the Agreed Order, the Respondent shall pay a cash penalty of Nine Thousand Eight Hundred Eighty-six Dollars and Twenty-five Cents (\$9,886.25). The payment shall be submitted to the Environmental Management Special Fund, as directed by Order Condition 13. In lieu of payment of the remaining Civil Penalty of Eighty-eight Thousand Nine Hundred Seventy-six Dollars and Twenty-five Cents (\$88,976.25) (the "Contingent Penalty"), the Respondent shall perform and complete the Supplemental Environmental Project ("SEP"), as described in Order Condition 9. If the SEP is not completed in accordance with this agreement or within the specified time period, subject to any extension for cause due to *force majeure*, the Respondent agrees to pay the remaining amount of the Contingent Penalty that has not been discharged by partial performance of the SEP (as determined pursuant to Order condition 9), plus interest at the rate established by IC 24-4.6-1-101, to the Environmental Management Special Fund. Payment of the remaining Contingent Penalty shall be submitted within thirty (30) days from receipt of a notice to pay from IDEM. Interest on the remaining Civil Penalty shall be paid from the Effective Date of this Agreed Order.
9. The SEP expenditure amount is determined by applying an offset ratio of 2:1 to the Contingent Penalty (the assessed civil penalty minus the cash penalty amount). Thus, Respondent shall expend a minimum of One Hundred Seventy-seven Thousand Nine Hundred Fifty-two Dollars and Fifty Cents (\$177,952.50) on a SEP as proposed by Respondent herein, which proposal is hereby conceptually approved by Complainant. Specifically, Respondent proposes to provide earthmoving equipment and equipment

operators for performance of earthmoving activities at a site or sites to be identified by the Complainant. Respondent will be given a credit against the SEP expenditure amount for earthmoving work performed under the SEP as valued in accordance with the cost schedule which is attached hereto as Schedule A and incorporated herein by reference. Complainant shall provide Respondent, upon reasonable notice, with project specifications for the SEP, including a list of work site(s), an overall schedule for work to be completed in implementation of the SEP, and a contact person or persons for Complainant regarding the project work. Complainant and Respondent shall consult on the scheduling of specific project activities so as to reasonably coordinate such activities with the demands of R&M's operations at its C/D facility. These project specifications shall be deemed to be made a part of this Agreed Order and incorporated herein by reference. If, two years after the Effective Date of this Agreed Order, the Respondent has not expended \$177,952.50 on IDEM approved SEP(s), the Respondent shall pay an amount equal to one-half of the remaining balance of the SEP expenditure amount to the Environmental Management Special Fund pursuant to Order Condition 8.

10. Upon request, the Respondent shall submit certified payroll stubs to verify the actual payroll cost that the Respondent has spent for the SEP. In addition, Respondent shall submit verification of cost spent on SEP pursuant to the project specifications.
11. In the event the following terms and conditions are violated, the Complainant may assess and the Respondent shall pay a stipulated penalty in the following amounts:

Violation

Penalty

Order Condition # 2

\$100 per day for failure to submit application and contour map by the specified date.

Order Condition # 4(a-d)

\$1,000 per day for failure to meet milestone dates.

Order Condition # 6

\$500 per day for failure to properly implement and/or maintain erosion control measures

Order Condition #10

\$100 per day for failure to submit payroll reports.

12. Stipulated penalties shall be due and payable within thirty (30) days after Respondent receives written notice that the Complainant has determined a stipulated penalty is due. Assessment and payment of stipulated penalties shall not preclude the Complainant from seeking any additional relief against the Respondent for violation of the Agreed Order. In lieu of assessment of any of the stipulated penalty given above, the Complainant may seek any other remedies or sanctions available by virtue of Respondent's violation of this Agreed Order, or Indiana Law, including but not limited to civil penalties pursuant to IC 13-30-4.
13. Civil and stipulated penalties are payable by check to the Environmental Management Special Fund. Checks shall include the Cause Number of this action and shall be mailed to:

Cashier
IDEM
100 North Senate Avenue
P.O. Box 7060
Indianapolis, Indiana 46207-7060

14. In the event that the cash penalty amount required by Order Condition 8 is not paid within thirty (30) days of the Effective Date of this Agreed Order, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1-101. The interest shall continue to accrue until the civil penalty is paid in full.
15. "Force Majeure", for purposes of this Agreed Order, is defined as any event arising from causes beyond the control of the Respondent that delays or prevents the performance of any obligation under this Agreed Order despite Respondent's best efforts to fulfill the obligation. The requirement that the Respondent exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any potential force majeure event (1) as it is occurring and (2) following the potential force majeure event, such that the delay is minimized to the greatest extent possible. "Force Majeure" does not include financial inability to complete the work required by this Agreed Order or increases in costs to perform the work.

The Respondent shall notify IDEM by calling within three (3) calendar days and by writing no later than seven (7) calendar days after any event which the Respondent contends is a force majeure. Such notification shall describe the anticipated length of the delay, the cause or causes of the delay, the measures taken or to be taken by the Respondent to minimize the delay, and the timetable by which these measures will be implemented. The Respondent shall include with any notice all available documentation supporting their claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude Respondent from asserting any claim of force majeure for that event. The Respondent shall have the burden of demonstrating that the event is a force majeure. The decision of whether an event is a force majeure shall be made by IDEM. Said decision shall be communicated to the Respondent.

If a delay is attributable to a force majeure, IDEM shall extend, in writing, the time period for performance under this Agreed Order, by the amount of time that is attributable to the event constituting the force majeure.

16. This Agreed Order shall apply to and be binding upon the Respondent, its officers, directors, principals, agents, successors, subsidiaries, and assigns. The Respondent's signatories to this Agreed Order certify that they are fully authorized to execute this document and legally bind the parties they represent. No change in ownership, corporate, or partnership status of the Respondent shall in any way alter its status or responsibilities under this Agreed Order. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if the Agreed Order did not contain the invalid terms.
17. The Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners or successors before ownership rights are transferred. Respondent shall ensure that all contractors, firms and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
18. This Agreed Order shall remain in effect until Respondent has complied with all terms and conditions of this Agreed Order.

TECHNICAL RECOMMENDATION:
Department of Environmental Management

By: _____
Paul Higginbotham, Chief
Solid Waste Section
Office of Enforcement

Date: _____

COUNSEL FOR COMPLAINANT:
Department of Environmental Management

By: _____
Office of Legal Counsel
Department of Environmental Management

Date: _____

RESPONDENT:

By: _____

Printed: _____

Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
THIS _____ DAY OF _____, 1998.

For the Commissioner:

Signed on April 13, 1999
Felicia Robinson George
Assistant Commissioner
Office of Enforcement

VIA CERTIFIED MAIL # _____

NOTICE OF VIOLATION

To: Mr. Robert Feddeler, Owner
R & M Enterprises, Inc.
18501 Clark Road
Lowell, Indiana 46356

Cause No. SW-387

Designated representatives of the Indiana Department of Environmental Management (IDEM) met with representatives of R&M Enterprises, Inc. on May 14, 1998, and July 29, 1998, to discuss overfill issues at the Feddeler Construction/Demolition site, Solid Waste Facility Permit FP #45-08, owned and operated by R&M Enterprises, Inc. located at SR 2, ½ mile East of US 41, Lowell, Lake County, Indiana ("the Site").

During the above noted meetings R&M Enterprises, Inc. disclosed the following violations:

IC 13-30-2-1(7) which states that a person may not: "Construct, install, operate, conduct, or modify, without prior approval of the department, any equipment or facility of any type that may: (A) cause or contribute to pollution; or (B) be designed to prevent pollution. However, the commissioner or the appropriate board may approve experimental uses of any equipment, facility, or pollution control device that is considered necessary for the further development of the state of the art of pollution control." This violation is based on the fact that during the May 14, 1998, meeting, R&M Enterprises, Inc. disclosed that the Site has been filled above and beyond the permitted solid waste boundaries.

329 IAC 10-13-6(d) which states: "To request a change in the facility plans or operation, the permittee must request that the commissioner modify the permit before any permitted changes are made in the approved plans. The application must provide the rationale for such modification to the commissioner for review. If the commissioner determines that the requested modification is consistent with the standards established in this article, the commissioner shall grant the modification. Only the conditions subject to modifications are reopened. The commissioner shall give notice to the permittee of the determination on the modification in accordance with IC 13-7-10-5 and IC 4-21.5-3-7." (IC 13-7-10-5 has been recodified at IC 13-15-7). This violation is based on the fact that during the May 14, 1998, meeting, R&M Enterprises, Inc. disclosed that the Site has been filled above and beyond the permitted solid waste boundaries without obtaining a permit modification from IDEM.

329 IAC 10-13-4(c) which states: "The permittee shall construct and operate a solid waste land disposal facility in accordance with the permit. The owner, operator, and permittee are equally responsible for

complying with the conditions of the permit, the regulations, and the statutes." This violation is based on the fact that during the May 14, 1998, meeting, R&M Enterprises, Inc. disclosed that the Site has been filled above and beyond the permitted solid waste boundaries.

In accordance with IC 13-30-3-3, the Commissioner is required to notify you in writing that the Commissioner believes a violation exists and offer you an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

If settlement is not reached within sixty (60) days of your receipt of this Notice, the Commissioner may issue an Order pursuant to IC 13-30-3-4 containing the actions you must take to achieve compliance, the required time frames, and an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day of any violation.

Entering into an Agreed Order will prevent the issuance of an Order of the Commissioner under IC 13-30-3-4 or the filing of a civil court action under IC 13-14-2-6. IDEM encourages timely settlement by Agreed Order, thereby saving time and resources. Timely settlement by Agreed Order may result in a reduced civil penalty. Settlement discussions will also give you the opportunity to present any mitigating factors that may be relevant to the violations. In addition, as provided in IC 13-30-3-3, you may enter into an Agreed Order without admitting that the violation occurred.

R & M Enterprises, Inc.
Notice of Violation
Cause No. SW-387
Page 3

To discuss this matter further, please contact Brett E. DeBusk, Case Manager at 317/232-8410 within fifteen (15) days after receipt of this Notice to request a conference. If settlement is reached, an Agreed Order will be prepared and sent to you for review and signature.

FOR THE COMMISSIONER:

Date: _____

Signed on December 23, 1998
Felicia Robinson George
Assistant Commissioner
Office of Enforcement

cc: Lake County Health Department
Lake County Solid Waste Management District
File 2B2
<http://www.ai.org/idem/>

Minutes of Regular Meeting
Lake County Soil & Water Conservation District
September 17, 1998

The Lake County Soil and Water Conservation District met on September 17, 1998, in Crown Point at the NRCS office. Present was: Lyle Patchett, Brian Wietbrock, Martin Kroll, John Nelson, Paul Kleine, Phyllis Reeder, Edgar Corns, and Sherry Hayden. Chairman Patchett called the meeting to order at 7:30 p.m.

A motion was made by John Nelson, seconded by Brian Wietbrock and carried, to approve the minutes of the August 20 meeting as mailed to the members.

Treasurer Phyllis Reeder gave the financial report that showed balances of \$33,384.67 in the General Fund, and \$1,958.52 in the District Fund. Receipts: Plat Books \$52.00, Flags \$7.00, Tax \$2.95, Copies \$13.00, Reimbursements \$204.00, State Auditor \$13,000.00, and Interest earned in checking \$29.77. Claim 2998, National Wildlife Federation, \$238.00 was canceled.

The following claims were submitted for approval:

3030 Postmaster	\$385.00
3031 Indiana Association of SWCDs	36.90
3032 NACD	161.44
3033 Office Max	55.12
3034 National Wildlife Federation	178.00
3035 Paul Kleine	236.93
3036 Phyllis Reeder	114.94
3037 Grand Cal Task Force	25.00

A motion was made by Martin Kroll, seconded by Brian Wietbrock and carried, to accept the financial report and approve claims 3030 through 3037.

Correspondence:

Phyllis Reeder received a letter from Jean Hulsey. Jean said that she appreciated all the help she received from Phyllis and Nikki. She included a letter that she will be sending to Marty Maupin of IDEM. Jean said that she knows a lot of the help provided was a part of their jobs but that it was so good to have someone willing to help when you do not really know where to go for it.

Finance Report by Edgar Corns and committee:

Phyllis Reeder reported that we sold twenty-seven plat books out of the 100 ordered. We have cleared to date \$1,266.00.

Phyllis Reeder reported that we sold nine bundles of flags to date. We have cleared \$1,461.00.

The board discussed the need for their own phone lined to better market ourselves. With the hiring of a new education person, and with people not being able to find our phone number in the phone book, this may be the perfect time to have our our own phone line installed. Board

members felt that we should have long distance service locked out. It was suggested that we use either 663-SWCD or 663-SOIL for the phone number.

Paul Kleine made a motion for the SWCD to purchase phone service.
The motion was seconded by John Nelson and carried.

Brian Wietbrock reported that he attended the landfill inspections. The Gary Development Landfill shows evidence of erosion and off-site sedimentation. Gary Sanitary Landfill had evidence of both erosion and off-site sedimentation because of regrading and recontouring for closure. Munster landfill is in good shape but had some sheet & rill erosion. Griffith landfill had a few small gullies. R & M Disposal in Lowell never corrected problems from the last time, there is evidence of erosion and off-site sedimentation.

The board felt that with the departing of so many employees within the partnership during the last five years it may be time to have the locks changed.

Paul Kleine made a motion for the district to pay for the rekeying of the locks.
The motion was seconded by Brian Wietbrock and carried.

Soil and Water Resource Report by Brian Wietbrock and committee:

Subdivision plats reviewed: Tower Oaks 2nd Addition, Calumet (Sketch). Willow Creek Run, Cedar Creek (Secondary); Westridge Estates Phase II, West Creek (Sketch); Community Reform Addition, St. John (Secondary).

Erosion and sediment control plans reviewed: None this month.

Farm plans and contracts submitted for approval:

- 1) CRP Contract and Farm Plan, Tract 105, Farm 854, Brian Wietbrock
- 2) CRP Contract and Farm Plan, Tract 469, Farm 790, Tom Schaefer

Martin Kroll made a motion to approve the farm plans and contracts for Tract 469 and Tract 105. The motion was seconded by John Nelson and carried.

Certificate of Approval in a Floodway: Report of Pre-Hearing Conference in the matter of: Paul Mayer vs. Lucas Holcomb & Mead (Jo-Mar Development) and DNR. John Nelson attended the hearing on August 21, 1998, at 11:15 a.m. in the DNR Field Office in Michigan City. John reported that the development has spent \$100,000 for planning of the development by JF New and Associates. They requested water and sewer services from Town of Lowell. The permit is only for the floodway area and does not include stormwater management. There will be another meeting 11/9/98.

Edgar Corns attended the Cedar Lake Enhancement Public Meeting on September 15, 1998, as a representative of the SWCD. The meeting was held to review the final and alternate plans for Cedar Lake. Edgar reported that The Cedar Lake Enhancement Association received \$5,600 from Lakes & River Enhancement Funds for the Bio-retention Wetland Pond.

LANDFILL EROSION AND SEDIMENTATION REVIEW

Lake County Soil and Water Conservation District

Date of Landfill Review 4-2-97

Name of Landfill: R & M Disposal, Inc.

Location: S.R. 2 at Lowell

Manager/Operator: Robert Feddeler

Review Team: <u>Paul Kleine</u>	Supervisor, SWCD
<u>Larry Osterholz</u>	Urban Conservation Specialist, IDNR
<u></u>	Field Representative, IDEM
<u></u>	District Conservationist, NRCS

List additional participants at the review:

A copy of this SWCD Landfill Review has been sent to:

- | | |
|--|---|
| 1. Commissioner Michael O'Connor
IN Dept. of Environmental Management
Attn: Solid Waste Technical Compliance
OSHWM, Rm. N1154
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015 | 4. Bob Lamprecht
IDEM Northwest Regional Office
Gainer Bank Building
504 North Broadway, Room 428
Gary, Indiana 46404 |
| 2. Director Harry Nikides
Division of Soil Conservation
IN. Department of Natural Resources
402 West Washington Street, Room W265
Indianapolis, Indiana 46204 | 5. Larry Osterholz
Urban Conservation Specialist
800 South College Avenue, Suite 1
Rensselaer, Indiana 47978-3009 |
| 3. Chairman
Board of County Commissioners | 6. Mr. Robert Feddeler
R & M Disposal, Inc.
18501 Clark Road
Lowell, Indiana 46356 |

The following report has been compiled/reviewed by:
(circle one)

Paul Kleine
Supervisor, SWCD

4-16-97
Date

Michael
5-30-97

1. *Is there evidence of erosion?* X Yes No

Describe erosion: Sheet, rill, and gully erosion is occurring on unvegetated areas of the landfill.

2. *Is there evidence of off-site sedimentation?* X Yes No

Describe off-site sedimentation: There is evidence of sediment in the ditch along the west side of the property.

3. *Recommendations and Suggestions:*

Install silt fence between unvegetated areas and adjoining properties where there is a potential for off-site sedimentation.

Install rock rip-rap check dams in the ditch along the west side of the fill area.

Remove the berm at the top of the east fill slope or install a temporary slope drain to remove water that collects behind the berm.

Construct a backslope (in-board) bench terrace approximately half-way up the east and west side slopes of the fill. This will shorten the slope length and reduce runoff velocities which will help hold soil, seed, and mulch in place. Slope the terraces to drain into a retention/detention pond sited at the northern or southern end of the property. Gradient of the terrace channel should not exceed one to two percent.

Permanently seed and mulch all areas that are at final grade. Seed areas that are not at final grade and will be inactive for a period of 30 days or more, with a temporary cover crop of oats, wheat, rye, or annual ryegrass.

Prior to seeding, apply approximately 400 to 500 pounds of 12-12-12 analysis fertilizer, or equivalent, per acre and work into the upper 2 to 3 inches of topsoil. Surface roughen slopes by tracking with bulldozer cleats. Run the bulldozer up and down the slopes to create grooves perpendicular to the slope. This helps reduce runoff velocity, increases infiltration, reduces erosion potential, provides for sediment trapping, and aids in establishment of vegetative cover from seed.

Apply seed uniformly with a drill or cultipacker-seeder and cover to a depth of ¼ to ½ inch or apply with a hydro-seeder. If using a drill or cultipacker seeder, work on the contour. Optimum time for seeding is between March 1st and May 10th or August 15th and September 30th.

11-14-97
2

LANDFILL EROSION AND SEDIMENTATION REVIEW

 Lake County Soil and Water Conservation District

Date of Landfill Review 10-1-97

Name of Landfill: R & M Disposal, Inc.

Location: S.R. 2 at Lowell

Manager/Operator: Robert Feddeler

Review Team: <u> Daryl Moyer </u>	Associate Supervisor, SWCD
<u> Larry Osterholz </u>	Urban Conservation Specialist, IDNR
<u> Bob Lamprecht </u>	Field Representative, IDEM
<u> </u>	District Conservationist, NRCS

List additional participants at the review:

Susan Androskaut, Resource Specialist, Indiana Department of Natural Resources

A copy of this SWCD Landfill Review has been sent to:

- | | |
|---|---|
| <p>1. Commissioner Michael O'Connor
IN Dept. of Environmental Management
Attn: Solid Waste Technical Compliance
OSHWM, Rm. N1154
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015</p> <p>2. Director Harry Nikides
Division of Soil Conservation
IN. Department of Natural Resources
402 West Washington Street, Room W265
Indianapolis, Indiana 46204</p> <p>3. Chairman
Board of County Commissioners</p> | <p>4. Bob Lamprecht
IDEM Northwest Regional Office
Gainer Bank Building
504 North Broadway, Room 428
Gary, Indiana 46404</p> <p>5. Larry Osterholz
Urban Conservation Specialist
800 South College Avenue, Suite 1
Rensselaer, Indiana 47978-3009</p> <p>6. Mr. Robert Feddeler
R & M Disposal, Inc.
18501 Clark Road
Lowell, Indiana 46356</p> |
|---|---|

The following report has been compiled/reviewed by:
(circle one)

Brian Wittenbach
Supervisor, SWCD

10-16-97
Date

1. *Is there evidence of erosion?*

 X Yes No

Describe erosion: Sheet, rill, and gully erosion is occurring on unvegetated areas of the landfill.

2. *Is there evidence of off-site sedimentation?*

 X Yes No

Describe off-site sedimentation: There is evidence of sediment in the ditch along the west side of the property and sediment leaving the site along the east side of the property where a leachate seep was recently repaired.

3. *Recommendations and Suggestions:*

Install silt fence between unvegetated areas and adjoining properties where there is a potential for off-site sedimentation. Bury the bottom of the fence 4 to 6 inches into the soil to prevent sediment laden water from flowing under the fence.

Remove sediment that has accumulated behind the rock check dams located in the ditch along the west side of the fill area. Place material on upland areas of the fill. On the west side of the landfill, consider constructing an interceptor ditch between the railroad ditch and base of the fill.

Construct a backslope (in-board) bench terrace approximately half-way up the east and west side slopes of the fill. This will shorten the slope length and reduce runoff velocities which will help hold soil, seed, and mulch in place. Slope the terraces to drain into a retention/detention pond sited at the northern or southern end of the property. Gradient of the terrace channel should not exceed one to two percent. Use temporary slope drains or rock rip-rap down chutes (see attachments) to carry the water down slope from the terrace.

Permanently seed and mulch all areas that are at final grade. Seed areas that are not at final grade and will be inactive for a period of 30 days or more, with a temporary cover crop of oats, wheat, rye, or annual ryegrass.

Prior to seeding, apply approximately 400 to 500 pounds of 12-12-12 analysis fertilizer, or equivalent, per acre and work into the upper 2 to 3 inches of topsoil. Surface roughen slopes by tracking with bulldozer cleats. Run the bulldozer up and down the slopes to create grooves perpendicular to the slope. This helps reduce runoff velocity, increases infiltration, reduces erosion potential, provides for sediment trapping, and aids in establishment of vegetative cover from seed.

Apply seed uniformly with a drill or cultipacker-seeder and cover to a depth of ¼ to ½ inch or apply with a hydro-seeder. If using a drill or cultipacker seeder, work on the contour.

LANDFILL EROSION AND SEDIMENTATION REVIEW

Lake County Soil and Water Conservation District

Date of Landfill Review 4-7-98

Name of Landfill: R & M Disposal, Inc.

Location: S.R. 2 at Lowell

Manager/Operator: Robert Feddeler

Review Team:	<u>Jack Nelson</u>	Associate Supervisor, SWCD
	<u>Larry Osterholz</u>	Urban Conservation Specialist, IDNR
	<u>Bob Lamprecht</u>	Field Representative, IDEM
		District Conservationist, NRCS

List additional participants at the review:

Susan Androskaut, Resource Specialist, Indiana Department of Natural Resources

A copy of this SWCD Landfill Review has been sent to:

- | | |
|--|---|
| 1. Commissioner Michael O'Connor
IN Dept. of Environmental Management
Attn: Solid Waste Technical Compliance
OSHWM, Rm. N1154
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015 | 4. Bob Lamprecht
IDEM Northwest Regional Office
Gainer Bank Building
504 North Broadway, Room 428
Gary, Indiana 46404 |
| 2. Director Harry Nikides
Division of Soil Conservation
IN. Department of Natural Resources
402 West Washington Street, Room W265
Indianapolis, Indiana 46204 | 5. Larry Osterholz
Urban Conservation Specialist
800 South College Avenue, Suite 1
Rensselaer, Indiana 47978-3009 |
| 3. Chairman
Board of County Commissioners | 6. Mr. Robert Feddeler
R & M Disposal, Inc.
18501 Clark Road
Lowell, Indiana 46356 |

The following report has been compiled/reviewed by:

(circle one)

John L. Nelson
Supervisor, SWCD

4-22-98
Date

1. *Is there evidence of erosion?*

 X Yes No

Describe erosion: Sheet, rill, and gully erosion is occurring on unvegetated areas of the landfill.

2. *Is there evidence of off-site sedimentation?*

 Yes X No

Describe off-site sedimentation:

3. *Recommendations and Suggestions:*

Install silt fence between the ditch along the east side of the railroad tracks and the soil stockpile on the north end of the property. In addition, install silt fence between unvegetated areas and adjoining properties where there is a potential for off-site sedimentation. Place support posts on the down-slope side of the fence and bury the bottom of the fence 4 to 6 inches into the soil to prevent sediment laden water from flowing under the fence.

Seed a temporary cover such as oats, wheat, or rye on the east ½ of the soil stockpile.

Seed a permanent grass and legume cover on the top of the landfill in the southwest corner of the property (area that has been covered with a thin layer of wood chips) and all other areas that are at final grade.

Prior to seeding, apply approximately 400 to 500 pounds of 12-12-12 analysis fertilizer, or equivalent, per acre and work into the upper 2 to 3 inches of topsoil. When working on side slopes, surface roughen the slopes by tracking with bulldozer cleats. Run the bulldozer up and down the slopes to create grooves perpendicular to the slope. This helps reduce runoff velocity, increases infiltration, reduces erosion potential, provides for sediment trapping, and aids in establishment of vegetative cover from seed.

Apply seed uniformly with a drill or cultipacker-seeder and cover to a depth of ¼ to ½ inch or apply with a hydro-seeder. If using a drill or cultipacker seeder, work on the contour. **The optimum times for seeding are between March 1st and May 10th or August 15th and September 30th.** Dormant or frost seeding is an option for nearly level areas on top of the landfill.

Mulch newly seeded areas with 1½ to 2 tons of straw per acre. Anchor the mulch with a tackifier or crimp the straw 1 to 2 inches into the soil. The purpose of crimping is to create small barriers to slow surface water runoff as it runs down the slope. If a bulldozer or other tracked implement is used to crimp the straw, run the implement up and down the slope. If using a straw crimper, work across the slope (i.e. on the contour). An alternative is to mulch areas with erosion control blankets.

4

 Lake County Soil and Water Conservation District

Date of Landfill Review **9-10-98**

Name of Landfill: R & M Disposal, Inc.

Location: S.R. 2 at Lowell

Manager/Operator: Robert Feddeler

Review Team: Brian Wietbrock

Associate Supervisor, SWCD

Larry Osterholz

Urban Conservation Specialist, IDNR

Bob Lamprecht

Field Representative, IDEM

District Conservationist, NRCS

List additional participants at the review:

Matthew Brown, Naturalist Aide, Indiana Department of Natural Resources

A copy of this SWCD Landfill Review has been sent to:

1. Commissioner Michael O'Connor
IN Dept. of Environmental Management
Attn: Solid Waste Technical Compliance
OSHW, Rm. N1154
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
2. Director Harry Nikides
Division of Soil Conservation
IN. Department of Natural Resources
402 West Washington Street, Room W265
Indianapolis, Indiana 46204
3. Chairman
Board of County Commissioners
4. Bob Lamprecht
IDEM Northwest Regional Office
Gainer Bank Building
504 North Broadway, Room 428
Gary, Indiana 46404
5. Larry Osterholz
Urban Conservation Specialist
800 South College Avenue, Suite 1
Rensselaer, Indiana 47978-3009
6. Mr. Robert Feddeler
R & M Disposal, Inc.
18501 Clark Road
Lowell, Indiana 46356

The following report has been compiled/reviewed by:

(circle one)

Brian Wetlock

Supervisor, SWCD

9-17-1998

Date _____

1. Is there evidence of erosion?

 X Yes No

Describe erosion: Sheet, rill, and gully erosion is occurring on unvegetated areas of the landfill.

2. Is there evidence of off-site sedimentation?

 X Yes No

Describe off-site sedimentation: There is evidence of off-site sedimentation in the ditch along the east side of the railroad tracks (area west and southwest of cell that is being filled). There is also evidence of sediment leaving the site along the perimeter of the soil stockpile at the north end of the property.

3. Recommendations and Suggestions:

Install silt fence approximately 10 feet out from the toeslopes of the soil stockpile located at the north end of the property. In addition, install silt fence between the railroad ditch and the active construction cell. Place silt fence support posts on the downslope side of the fence. Bury the bottom 6 inches of silt fence in a trench to prevent sediment laden stormwater from flowing underneath the fence. Turn the ends of the fence upslope to prevent stormwater from flowing around the ends of the fence.

Fill all gullies that are deeper than 9 inches. Fill with soil material (preferably topsoil) as required by Indiana Department of Environmental Management regulations. Seed areas and cover with erosion control blankets. **Optimum time for seeding is March 1st to May 10th or August 15th to September 30th.** Bury the top edge of the erosion control blanket 4 to 6 inches into the soil to reduce the potential of erosion underneath the blanket.

Apply an intermediate soil cover, seed a temporary vegetative cover (e.g. oats, wheat, or rye), and mulch all unvegetated areas of the site that will be inactive for a period of 45 days or more.

Prior to seeding, apply approximately 400 to 500 pounds of 12-12-12 analysis fertilizer, or equivalent, per acre and work into the upper 2 to 3 inches of topsoil. When working on side slopes, surface roughen the slopes by tracking with bulldozer cleats. Run the bulldozer up and down the slopes to create grooves perpendicular to the slope. This helps reduce runoff velocity, increases infiltration, reduces erosion potential, provides for sediment trapping, and aids in establishment of vegetative cover from seed.

Apply seed uniformly with a drill or cultipacker-seeder and cover to a depth of ¼ to ½ inch or apply with a hydro-seeder. If using a drill or cultipacker seeder, work on the contour. Dormant or frost seeding is an option for nearly level areas on top of the landfill.

August 21, 1999

Mr Greg Overtoom
Geology Section
100 North Senate Ave
PO Box 6015
Room N 1154
Indianapolis, IN 46206-6015

Re: West Creek Prairie Landfill

Dear Mr Overtoom,

The undersigned own a farm that is adjacent to West of the above referenced project. Our farm is approximately 150 acres in size and has been in the family for 50 years. It was owned by our mother until her recent passing this year. The farm is a grain farm, farmed by an area farmer.

We have several concerns with respect to this project:

Through the north part of our property flows a ditch that drains our land and also drains approximately 520 acres of ground on the West side of 41. This ditch goes under a set of railroad tracks and borders the South end of the proposed landfill and eventually ends up in Bruce Ditch that borders the landfill on the East. Except for extremely dry periods of time, there is water flowing through this ditch, roughly 11 months out of the year. During heavy periods of rain water will fill the ditch and back up against the culvert that goes under the tracks. The ditch on the other side of the culvert is not as deep as on our side and will overflow into the adjacent land which is rather low ground.

With respect to the overflow, We are concerned about **washout** which is covered by rule **#329-10-2-199**. If the overflow of the ditch reaches the debris in the landfill, it will pull this waste into the ditch as it recedes and possibly pollute the waters in the ditch. We don't care how much you police the landfill, something that is not supposed to be there, such as harmful chemicals, paints, thinners etc will be placed there by the owners of the debris looking for an inexpensive way of discarding such waste. If that were not the case, you would not be concerned about setting up monitoring stations, right? **Rule 33, Location Restrictions, (329-10-33-1 Sec 1-B-8)** provides that a landfill must not be any closer than 100 of any lake or continuously flowing stream. A continuously flowing stream is defined in **Rule # 329-10-2-45** as "a stream with measurable velocity of flow at least (9) months of the year" In the permit application maps, the landfill boundary by the stream is only 50 feet. If this landfill is approved, the 100 foot restriction must be enforced.

Lastly, although not in your jurisdiction, we are concerned about the unsightliness of this landfill. Route 2 is the main road leading into the town of Lowell from US 41 to the west. Why would you want to permit an unsightly dump to be one of the first things you see when going into this town? In addition, since 2 is a main link to 41 and interstate 65, it carries a large amount of car and truck traffic. The truck traffic has increased significantly since this dump has been there. This is a safety hazard given the fact there are no turn lanes and also deteriorates the condition of the road. Shouldn't the owner of the landfill be partially responsible for the the needed repairs?

Thank you for your consideration

Sincerely,



Paul Russel
18695 Wicker Ave
Lowell, In 46356



John Russel
18507 Wicker Ave
Lowell, In 46356

Please provide copies to:

Mr Bruce H Palin, Assist Commissioner-Office of Solid Waste and Hazardous Waste Management

Mr Jeff Sewell, Solid Waste Management Section

August 21, 1999

Mr Greg Overtoom
Geology Section
100 North Senate Ave
PO Box 6015
Room N 1154
Indianapolis, IN 46206-6015

Re: West Creek Prairie Landfill

Dear Mr Overtoom,

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LAST PAGE 02

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Thank you for your consideration

Sincerely,


Paul Russel
18695 Wicker Ave
Lowell, In 46358



John Russel
18507 Wicker Ave
Lowell, In 46356

Please provide copies to:

Mr Bruce H Palin, Assist Commissioner-Office of Solid Waste and Hazardous Waste Management

Mr Jeff Sewell, Solid Waste Management Section

04/27/94



This microphone recording only.
No amplification.

LAKE COUNTY COOPERATIVE ASS'N., INC.

MAIN OFFICE
402 N. JACKSON STREET
(219) 663-5710

NORTH HAYDEN BRANCH
(219) 374-9677 OR (219) 696-7746

PETROLEUM DEPARTMENT
PHONE CROWN POINT (219) 663-0018

LEROY BRANCH
(219) 663-0912

8/27/99

Dear Mr. Overtoom:

As General Manager of Lake County Farm Bureau Co-op, myself as well as my Board of Directors, have major concerns over the proposed landfill next to our branch in Lowell, Ind.

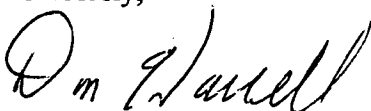
Sir, we have a well less than 600 feet from the proposed site. It is impossible to guarantee the landfill will not pollute this well.

Other concerns:

- 1) Fugitive Dust Contamination:
 - a. On our feed bags
 - b. Grain for feed
 - c. Grain in bins (we use large fans on our grain bins, anything in the air goes thru the grain)
 - d. People - our employees as well as our customers

I can be contacted at the Crown Point office (219-663-5710)

Sincerely,



Donald Harrell

8.19.99

Panel calls for moratorium on bulk sale of Great Lakes water

■ U.S.-Canadian report suggests conservation while issue is studied.

BY KATHERINE RIZZO
Associated Press Writer

WASHINGTON — The United States and Canada should not consider selling any bulk sales of Great Lakes water, at least while the issue is studied, a U.S.-Canadian commission said Wednesday.

"There should be a bias in favor of retaining water in the system and using it more efficiently and effectively," said Leonard Legault, chairman of the International Joint Commission's Canadian section.

The Great Lakes water has never been sold in bulk, and there are no requests pending in either country to move water out via pipeline, truck or ship. However, an aborted sales proposal last year aroused concern on both sides of the border, leading to the study.

It plans public hearings in Milwaukee in September and in Buffalo, N.Y.; Detroit; Gary, Ind.; Duluth, Minn.; Washington, D.C.; Toronto, Ottawa, Thunder Bay, Sault Ste. Marie and London, Ontario; and Montreal, Quebec, in October.

Lee Botts, a Gary environmental activist and member of the Lake Michigan Federation,

"The shortage of fresh water worldwide is growing. I don't think the Great Lakes can satisfy that shortage, and frankly, it will only cause problems here."

Lee Botts,
Lake Michigan Federation

testified against the diversion of Great Lakes water at an International Joint Commission public hearing in Chicago this spring.

"It could have tremendous consequences because of the precedent it would set for allowing the diversion of water in the Great Lakes basin in the face of growing demand for water around the globe," Botts said. "The shortage of fresh water worldwide is growing. I don't think the Great Lakes can satisfy that shortage, and frankly, it will only cause problems here."

The commission — in an interim report released Wednesday — suggested a six-month moratorium on bulk water sales while it completes its yearlong study of the issue. That study is intended

to help determine the governments' next steps. "You fix the roof when the sun shines, and right now there are not any demands for big bulk removal," said Thomas Baldini, who heads the commission's U.S. section.

There is sentiment in both governments for making sure the water doesn't become a long-haul commodity.

In Ottawa, Foreign Affairs Minister Lloyd Axworthy issued a statement promising to introduce amendments to the International Boundary Waters Treaty Act this fall that will enable Canada to prohibit removal of water from the lakes.

In Washington, legislation already has been introduced to ban bulk shipments of Great Lakes water pending joint action by both nations.

That bill's sponsor, Rep. Bart Stupak, D-Mich., said Wednesday that the report's conclusion that the lakes have no surplus water support his plan "for legislative action to prevent water sales now and set a policy for any future sales."

Of the lakes' entire volume (about 6 quadrillion gallons), rain and snow recycle only about 1 percent, Legault said.

"You can't think of the Great Lakes as a virtually bottomless reservoir," he told reporters. "Once you go beyond that 1 percent, you're mining."

Lastly, although not in your jurisdiction, we are concerned about the unsightliness of this landfill. Route 2 is the main road leading into the town of Lowell from US 41 to the west. Why would you want to permit an unsightly dump to be one of the first things you see when going into this town? In addition, since 2 is a main link to 41 and interstate 65, it carries a large amount of car and truck traffic. The truck traffic has increased significantly since this dump has been there. This is a safety hazard given the fact there are no turn lanes and also deteriorates the condition of the road. Shouldn't the owner of the landfill be partially responsible for the the needed repairs?

Thank you for your consideration

Sincerely,



Paul Russel
18695 Wicker Ave
Lowell, In 46356



John Russel
18507 Wicker Ave
Lowell, In 46356

Please provide copies to:

Mr Bruce H Palin, Assist Commissioner-Office of Solid Waste and Hazardous Waste Management

Mr Jeff Sewell, Solid Waste Management Section

Proposed West Creek Prairie
land fill site



This picture was taken in the summer of 1971 when we proposed West Creek Prairie land fill was completely under water 3 times. The picture shows the proposed site from So East to No West direction. The Lake Co Farm Bureau elevator is in the back ground to establish a land mark.

Martin Groll

Mr. Jeff Sewell
Solid Waste Permit Management
100 N. Senate Ave.
PO Box 6015
Indianapolis, IN 46206-6015

Martin Kroll
11905 Belshaw Rd.
Lowell, IN 46356
August 31, 1999

I would like to say a few words about in and out of state tonnage reports. I have seen the tonnage reports given to I.D.E.M. from the present R & M Landfill, Robert Feddeler - owner. I feel the ones I have seen are very questionable.

The reports indicate 37% in state and 63% out of state. Does I.D.E.M. really believe these figures are accurate? I don't think so. Isn't it strange to see the great number of trucks entering the R & M Landfill bearing an Illinois license plate? Does this not indicate that the out of state percentage could be questionable? We do not need a new landfill to accomodate out of state trash. I.D.E.M. cannot control out of state trash because of inter-state commerce laws which treat trash as an inter-state commodity rather than a pollutant.

We are asking I.D.E.M. to refrain from issuing a new permit to West Creek Prairie applicants. Not issuing a permit would solve the problem of controlling out of state waste being brought in. No trash . . . no control problem.

Let I.D.E.M. use the new California 3 Strikes You're Out program.

- Strike #1: Indiana does not need or want all of this out of state trash.
- Strike #2: Use Lt. Governor Kernan's land preservation program. Also, follow the Lake County Plan Commissions unanimous vote to follow the County Comprehensive Plan which would leave this land in agriculture and conservation.
- Strike #3: This area is in the floodway fringe, bordered by one stream on the east, and intersected by another.

These three strikes alone are reason enough for I.D.E.M. to not issue a new landfill permit.

Sincerely,


Martin Kroll

Mr. Jeff Sewell
Solid Waste Permit Management
100 N. Senate Ave.
PO Box 6015
Indianapolis, IN 46206-6015

Martin Kroll
11905 Belshaw Rd.
Lowell, IN 46356
(219)-696-9801
August 31, 1999

I am the owner of the farm ground located directly south of the proposed landfill. I'd like to speak to you about the negative environmental impact this landfill will have on surface water and drainage in the immediate area.

The site is located in a flood plain fringe and also a flood plain; which means an area adjoining a river, stream, or lake that is inundated by the base flood. There is a ditch known as Bruce Ditch that runs along the entire east side of the proposed site. Another ditch runs directly through the site from west to east. This ditch drains five hundred twenty acres which includes a large school. It goes under a railroad, through the proposed site, and directly into the Bruce Ditch. Both ditches run year round.

Last year the Lake County Drainage Board recognized the need for a retention area due to very bad flooding on the Bruce Ditch. This retention pond was completed on July 1, 1999. It is located on the Bruce Ditch, one thousand feet south (down stream) of the proposed sight. The retention area is 21 foot acres in size and cost over \$260,000.00.

I feel the area in the proposed site that is designated as floodway and flood plain should not be destroyed. This area is a natural overflow to alleviate flooding down stream. This is very important. In 1997 the proposed site was completely flooded three times as I have documented with photos to the I.D.E.M. office in Indianapolis.

This site could be one of the most fragile and most unacceptable sites in the state of Indiana that a landfill could possibly be located. The chances of polluting the water is going to be very high. Litter, dust, and leach aid from this proposed landfill site is going to be impossible to control. I fear the surrounding streams, wetlands, and retention pond will become contaminated.

I believe the site should remain in accordance with the Lake County Comprehensive Plan which is agriculture. This was also the wishes of the Lake County Plan Commission. As more and more development occurs on the upper end of the Bruce Ditch, the retention area becomes more necessary.

If this area is acceptable for a landfill, maybe we could start using the Kankakee or Wabash River to dispose of our waste material. What would be the difference? Our smaller streams run into them anyway. Eventually all the small streams make it to the Mississippi.

This is not an acceptable location for a landfill. We ask I.D.E.M. to deny the permit for the West Creek Prairie Landfill.

Thank You,

Martin Kroll
Martin Kroll

Mr. Jeff Sewell
Solid Waste Permit Management
100 N. Senate Ave
PO Box 6015
Indianapolis, IN 46206-6015

Martin Kroll
11905 Belshaw Rd.
Lowell, IN 46356
(219)-696-9801
August 31, 1999

Dear Members of I.D.E.M.,

please find attached a copy of a letter submitted to the Lake County Council in June, 1997. We are pleased that the Lake County Plan Commission unanimously voted against the zone change. Our County Council overrode their decision. A portion of our local and state agencies have supported us so far. We ask that you also support us in this fight to protect our community.

Sincerely,


Martin Kroll

Martin Kroll
11905 Belshaw Rd.
Lowell, IN 46356
(219)-696-9801

Dear County Council Members,

I am concerned because I am one of the farms adjoining the proposed landfill. Our property lays on the entire south end of the proposed site. I am addressing a couple different subjects this evening because I feel I will be the "next concerned victim".

I want you to remember these famous words from Mr. Feddeler. "Be friendly to my neighbors. Do things right and keep them happy." Following are a few of the so called "friendly" things that have already happened or are happening at the present time to his neighbors.

First, the pictures presented to the council members are pictures taken on the dates shown on them. There was another observation made on March 2, 1997 and there was even more seepage coming out of the side of the dump site. These pictures were taken on the east side of the landfill out in Mr. Bruce's pasture. The liquid is of a brown milky substance and smells terrible. It is running in an easterly direction clear across the pasture and will eventually run into the Bruce ditch which is a public drainage ditch.

This land belongs to Mr. Bruce. Mr. Bruce is a 90³ year old farmer who has lived here all his life. This land has been used for pasture for many years. As of right now, the pasture has been abandoned because of the unknown material seeping from the landfill. Also, the property line fence has been destroyed and removed by the R & M Corporation with no visible attempt to replace it. This was Mr. Bruce's share of the fence. (Remember, be nice to your neighbors)

My question is, what gives this corporation the right to remove a property line fence that has been there since the early part of the century or before? Is it just because someone thinks it was in the wrong place? There are laws to take care of this but the R & M Corporation has taken the law into their hands.

Is this being a good neighbor as Mr. Feddeler would say? I doubt it very much. Does this corporation have the right to ruin Mr. Bruce's livelihood and his land? I don't think so.

Where are our local and state agencies to protect us from situations like this? It seems everybody has authority until there are problems. But, when trouble arises, not one takes the responsibility or has the authority to correct situations like these. I feel the same problems will occur with the new proposed landfill since the same operation will move to it.

My other concern is water quality. On the new proposed landfill site there will be a retention pond on the west side, a water way on the north side and a legal drainage ditch known as Bruce Ditch on the east side. Any seepage such that is happening at the present landfill will go directly into the public drainage water with no way to correct it. The proposed site is like an island with water on three sides.

As the pictures show seepage from the sides of the landfill, certainly the same thing is happening to the water going into the ground and contaminating the subsoil water supply. We all know Lowell is NOT getting Lake Michigan water. What are the alternatives if the ground water and our wells become contaminated? The answer is, WE HAVE NONE! Where are we going to get water? No one knows.

Mr. Feddeler has always talked about being a good neighbor. Considering the few things I have talked about, it sure does not show me any intent that the R & M Corporation has shown any respect for the neighbors, the neighborhood, or toward anyone's health and safety.

The proposed site has been farmed for many years. 85% to 90% of the ground is considered real good for farming with top yield potential. The surrounding farm land has the same potential at this time but may not in the future. This fact was already demonstrated with Mr. Bruce's abandoned property. I do not wish to abandon mine in the future.

Several very bad precedents have already been established with the existence of the original landfill. We may not be able

to correct what has already happened, but as the council for the people of Lake County have the power to stop future problems. I am asking for your help in not letting an already obvious problem become worse by letting this new landfill come into existence. Please deny the request from the R. & M Corporation and leave this area as the County Comprehensive Plan already shows and as it should be - AGRICULTURE.

Sincerely,

Martin Kroll
Martin Kroll

August 31, 1999

Indiana Department of Environment Management
Office of Solid and Hazardous Waste
Mr. Jeff Sewell
Solid Waste Permit Management Section
100 North Senate Avenue
P.O. Box 6015
Indianapolis, IN 46206-6015

Dear Mr. Sewell:

I oppose the West Creek Prairie Landfill.

1. The landfill's 17.8 acres and surrounding property are not suitable for a landfill because of a high water table. Solid waste boundary is in the floodway fringe of Bruce Ditch. Portions of the site are located in a special flood hazard area.
2. A DNR letter to West Creek Prairie Landfill states you should not construe this letter to be an approval of the proposed project.
3. There appears to be a kettle in the middle of the landfill Northeast to Southwest.
4. A stream South of the proposed landfill with water running West to East will have no dike protection from storm water on South side of cells.
5. Proposed tire wash:
No leachate collection system is included.
How will the leachate be disposed of if and when a collection system is in place?
Where will the well be located for the tire wash?
6. A proposed service garage, where will the floor drains empty to?
7. Maps Drawing 4 of 11 storm water conveyance North detention pond has discharge pipe from pond to drainage channel, channel flowing Northeast? It ends in the floodway of Bruce Ditch. Where is this water going to drain to? Into Bruce Ditch. How does it get into the ditch?
8. Exactly where will the site for the stockpile of soil be located? Where in the 60+ acres south of the proposed landfill?
9. Who are the Construction Quality Assurance field personnel going to be? Name them.
10. According to DNR's storm water specialist, a new erosion and sediment plan has to be submitted and approved according to Rule 5. Has this been done?

11. On the proposed landfill a stream on the south side is only 50 feet from the cell boundary. Rule 33 states it must be 100 foot to any cell boundary away from the normal water line of any flowing stream. Also, a potable well located on the West side of the railroad tracks is about 300 feet away and the potable well should be 600 ft from a cell boundary.
12. R & M C/D landfill has had a multitude of violations. Overfill, open dump, tonnage reports, late permit application at the library, storm water - weekly cover. Also, non-compliance on inspection reports from IDEM Inspector.
13. Because of continuous and substantial violations and non-compliance for the last 4 years, the character of the landfill cannot be trusted to safely operate the facility and the record of poor management of the dump, we ask the permit be denied.

Because of Rule 13 permit issuance
B2 Protect public health and environment. R & M did not.
Permit should be denied.

Because 10-13-4 Section 4A Effect of permit issuance the issuance of a permit does not

1. Convey any property rights of any sort or any exclusive privilege to the permittee
 - A. Any injury to person or private property. R & M encroached on neighbor property pushed out 100 year old fence 700 feet long and tried to claim possession of the property and other fence lines are involved. Permit should be denied.
 - B. Invasion of other private rights - yes. Permit should be denied.
 - C. Any infringement of Federal, State or Local laws and regulations, yes. Public ditch, Bruce Ditch. Letter from Drainage Board enclosed. Permit should be denied.

Has West Creek Prairie presented to IDEM

1. Post closure financial responsibility?
2. Net worth enclosure?

Sincerely,

Henry B. Kaszuba
Henry B. Kaszuba

Cc: Lori Caplan
Bruce H. Palin
Greg Overtoom

TABLE 13.—SANITARY FACILITIES

[Some terms that describe restrictive soil features are defined in the Glossary. See text for definitions of "slight," "moderate," "good," "fair," and other terms. Absence of an entry indicates that the soil was not rated]

Soil name and map symbol	Septic tank absorption fields	Sewage lagoon areas	Trench sanitary landfill	Area sanitary landfill	Daily cover for landfill
Ad----- Adrian	Severe: ponding, poor filter.	Severe: seepage, ponding, excess humus.	Severe: ponding, seepage.	Severe: ponding, seepage.	Poor: ponding, excess humus.
Ag----- Alida	Severe: wetness.	Severe: seepage, wetness.	Severe: seepage, wetness.	Severe: seepage, wetness.	Poor: wetness.
BaA----- Blount	Severe: wetness, percs slowly.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Poor: wetness.
Br----- Bourbon	Severe: wetness.	Severe: seepage, wetness.	Severe: seepage, wetness.	Severe: seepage, wetness.	Poor: seepage, wetness.
BtA----- Brems	Severe: wetness, poor filter.	Severe: seepage, wetness.	Severe: seepage, wetness, too sandy.	Severe: seepage, wetness.	Poor: seepage, too sandy.
ChB----- Chelsea	Severe: poor filter.	Severe: seepage.	Severe: seepage, too sandy.	Severe: seepage.	Poor: too sandy, seepage.
ChC----- Chelsea	Severe: poor filter.	Severe: seepage, slope.	Severe: seepage, too sandy.	Severe: seepage.	Poor: too sandy, seepage.
De----- Del Rey	Severe: wetness, percs slowly.	Slight-----	Severe: wetness, too clayey.	Severe: wetness.	Poor: too clayey, hard to pack, wetness.
DoA----- Door	Slight-----	Moderate: seepage.	Severe: seepage.	Slight-----	Fair: too clayey, small stones.
Du*. Dune land					
Ed----- Edwards	Severe: ponding, percs slowly.	Severe: ponding, seepage, excess humus.	Severe: ponding.	Severe: ponding, seepage.	Poor: ponding.
ElA----- Elliott	Severe: wetness, percs slowly.	Severe: wetness.	Severe: wetness.	Severe: wetness.	Poor: wetness.
EsA----- Elston	Severe: poor filter.	Severe: seepage.	Severe: seepage.	Severe: seepage.	Poor: seepage.
Fh*. Fluvaquents					
Gf----- Gilford	Severe: ponding, poor filter.	Severe: seepage, ponding.	Severe: seepage, ponding, too sandy.	Severe: seepage, ponding.	Poor: seepage, too sandy, ponding.

See footnote at end of table.

TABLE 13.--SANITARY FACILITIES--Continued

Soil name and map symbol	Septic tank absorption fields	Sewage lagoon areas	Trench sanitary landfill	Area sanitary landfill	Daily cover for landfill
HaA----- Hanna	Severe: wetness, poor filter.	Severe: seepage, wetness.	Severe: seepage, wetness, too sandy.	Severe: seepage, wetness.	Poor: seepage, too sandy.
HkA----- Haskins	Severe: wetness, percs slowly.	Slight-----	Severe: wetness, too clayey.	Severe: wetness.	Poor: too clayey, hard to pack, wetness.
Hm----- Houghton	Severe: ponding, percs slowly.	Severe: seepage, excess humus, ponding.	Severe: ponding, excess humus.	Severe: seepage, ponding.	Poor: ponding, excess humus.
Ho----- Houghton	Severe: ponding, percs slowly.	Severe: seepage, ponding, excess humus.	Severe: ponding, excess humus.	Severe: ponding, seepage.	Poor: ponding, excess humus.
LyA----- Lydick	Severe: poor filter.	Moderate: seepage.	Severe: seepage.	Slight-----	Fair: too clayey.
LyB----- Lydick	Severe: poor filter.	Moderate: seepage, slope.	Severe: seepage.	Slight-----	Fair: too clayey.
McA, McB----- Markham	Severe: wetness, percs slowly.	Severe: wetness.	Severe: too clayey.	Slight-----	Poor: too clayey, hard to pack.
MfA----- Martinsville	Slight-----	Moderate: seepage.	Moderate: too clayey.	Slight-----	Fair: too clayey, thin layer.
MfB----- Martinsville	Slight-----	Moderate: seepage, slope.	Moderate: too clayey.	Slight-----	Fair: too clayey, thin layer.
Mm, Mn----- Maumee	Severe: ponding, poor filter.	Severe: seepage, ponding.	Severe: seepage, too sandy, ponding.	Severe: seepage, ponding.	Poor: seepage, too sandy, ponding.
MoB----- Metea	Moderate: percs slowly.	Severe: seepage.	Severe: too sandy.	Severe: seepage.	Poor: seepage, too sandy.
MP----- Milford	Severe: ponding, percs slowly.	Severe: ponding.	Severe: ponding, too clayey.	Severe: ponding.	Poor: too clayey, hard to pack, ponding.
MrB2----- Morley	Severe: wetness, percs slowly.	Severe: wetness.	Moderate: wetness, too clayey.	Slight-----	Fair: too clayey, wetness.
MrC2----- Morley	Severe: wetness, percs slowly.	Severe: slope, wetness.	Moderate: wetness, slope, too clayey.	Moderate: slope.	Fair: too clayey, slope, wetness.
MrD2, MrE----- Morley	Severe: wetness, percs slowly, slope.	Severe: slope, wetness.	Severe: slope.	Severe: slope.	Poor: slope.

See footnote at end of table.

TABLE 13.--SANITARY FACILITIES--Continued

Soil name and map symbol	Septic tank absorption fields	Sewage lagoon areas	Trench sanitary landfill	Area sanitary landfill	Daily cover for landfill
MsC3-CH CL Morley	Severe: wetness, percs slowly.	Severe: slope, wetness.	Moderate: wetness, slope, too clayey.	Moderate: slope.	Fair: too clayey, slope, wetness.
Mx----- Morocco	Severe: wetness, poor filter.	Severe: seepage, wetness.	Severe: seepage, too sandy, wetness.	Severe: seepage, wetness.	Poor: too sandy, wetness, seepage.
Nf----- Newton	Severe: ponding, poor filter.	Severe: seepage, ponding.	Severe: seepage, ponding, too sandy.	Severe: seepage, ponding.	Poor: too sandy, seepage, ponding.
OaC----- Oakville	Severe: poor filter.	Severe: seepage, slope.	Severe: seepage, too sandy.	Severe: seepage.	Poor: too sandy, seepage.
OaE----- Oakville	Severe: slope, poor filter.	Severe: seepage, slope.	Severe: seepage, too sandy, slope.	Severe: seepage, slope.	Poor: too sandy, slope, seepage.
Pa----- Palms	Severe: percs slowly, ponding.	Severe: seepage, excess humus, ponding.	Severe: ponding, excess humus.	Severe: ponding, seepage.	Poor: ponding, excess humus.
Pe----- Pewamo	Severe: percs slowly, ponding.	Severe: ponding.	Severe: ponding, too clayey.	Severe: ponding.	Poor: too clayey, ponding, hard to pack.
Ph----- Pinhook	Severe: wetness.	Severe: seepage, wetness.	Severe: seepage, wetness.	Severe: seepage, wetness.	Poor: wetness, thin layer.
Pk*. Pits					
PlB----- Plainfield	Severe: poor filter.	Severe: seepage.	Severe: seepage, too sandy.	Severe: seepage.	Poor: too sandy, seepage.
PlC----- Plainfield	Severe: poor filter.	Severe: seepage, slope.	Severe: seepage, too sandy.	Severe: seepage.	Poor: too sandy, seepage.
RaB----- Rawson	Severe: wetness, percs slowly.	Severe: wetness.	Severe: too clayey.	Moderate: wetness.	Poor: too clayey, hard to pack.
RaC2----- Rawson	Severe: wetness, percs slowly.	Severe: slope.	Severe: too clayey.	Moderate: wetness, slope.	Poor: too clayey, hard to pack.
R1A----- Riddles	Moderate: percs slowly.	Moderate: seepage.	Moderate: too clayey.	Slight-----	Fair: too clayey.
R1B----- Riddles	Moderate: percs slowly.	Moderate: seepage, slope.	Moderate: too clayey.	Slight-----	Fair: too clayey.
RmC2----- Riddles	Moderate: percs slowly, slope.	Severe: slope.	Moderate: slope, too clayey.	Moderate: slope.	Fair: slope, too clayey.

See footnote at end of table.



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

928 S. Court St.
Suite C
Crown Point, IN
46307-4848
(219) 663-0238
FAX 663-2547

April 11, 1997

Henry Kazuba
18606 Austin Street
Lowell, IN 46356-9672

Re: R & M Landfill/Prime Farmland

Dear Mr. Kazuba:

This letter is in response to your inquiry as to the presence of prime farmland on the proposed project area of the R & M Landfill. The following soils are present on the site:

- DoB (Door Loam 2-6% slopes)
- El (Elliott Silty Clay Loam)
- MaB2 (Markham Silt Loam 2-6% slopes)
- Mo (Milford Silt Loam, overwash)
- MvB3 (Morley Silty Clay Loam 2-6% slopes)
- MvC3 (Morley Silty Clay Loam 6-12% slopes)

According to the Natural Resources Conservation Service Field Office Technical Guide (NRCS FOTG), the following soils are classified as "Prime Farmland":

DoB, El, MaB2, and Mo (*where drained*) (see attached).

Also, please find enclosed, for your information, a copy of the "Sanitary Facilities Report", from the NRCS FOTG, which gives soil capability information for the soils present in the area.

If I may be of further assistance, please feel free to call.

Sincerely,

Nicole L. McClain
District Conservationist

Enclosures

Thomas A. Johnson
19807 Idaho Court
Lowell, IN 46356
219.696.0906

August 31, 1999

Mr. Jeff Sewell
I.D.E.M.
Solid Waste Permit Management
100 N. Senate Ave.
P.O. Box 6015
Indianapolis, IN 46206-6015

Dear Mr. Sewell:

I live in close proximity to the proposed landfill, and am writing this letter to speak **against** the permitting of the West Creek Prairie Landfill. While I oppose the permitting of this proposed landfill on a number of fronts, it is on the character of the management that I focus this letter. I will show that the same management that is attempting to permit this new C/D landfill has demonstrated its inability or lack of willingness to follow rules and regulations in the operation of the existing Feddeler C/D site across the highway from and adjacent to the proposed landfill.

The Lake County Soil and Water Conservation District has the responsibility to inspect landfill sites for erosion and off site sedimentation every six months. The R&M Disposal site has been cited on each visit for both conditions of erosion and off site sedimentation (except 4/7/98 where no off site sedimentation was observed). Recent inspections took place on 4/2/97, 10/1/97, 4/7/98, 9/10/98, 3/8/99. Minutes of the Lake County Soil and Water Conservation District dated 9/17/98, note that the erosion and off site sedimentation continue to exist and that R & M had not corrected the conditions noted in prior inspections. With its history of non-cooperation with the Lake County Soil and Water Conservation District at its Feddeler C/D site, one can expect the same level of cooperation at the proposed site. The proposed site is flanked by two running ditches. The Bruce ditch is directly east of the proposed site as well as a running ditch immediately south of the planned ninety foot mound. With its past record, I think it is clear that those streams are in jeopardy.

On March 31, 1999, IDEM put Julie Feddeler, a principal manager of R&M Enterprises, on notice that serious reporting problems exist which constitutes a violation of Rule 329 IAC 10 and the Environmental Management Act, IC 13-30. The document noted specifically, " Since the reporting period for the first calendar quarter of 1996, every report submitted has been late. Through the reporting period for the last quarter of 1998, the reports have been late by an average of 139 days, ranging from a minimum of 21 days

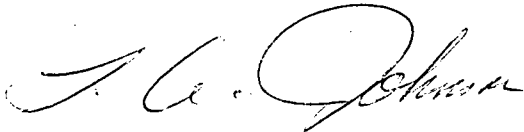
to a maximum of 402 days late." The letter went on speaking of the accuracy of the reports by saying, "Since the reporting period for the first calendar quarter of 1996, only 2 reports have correctly listed the solid waste tons received from each county. In all other instances, IDEM staff had to request the corrected information by phone." This is another example of a firm that either ignores regulations or does not have the ability to comply with regulations. I believe this past performance is a strong indicator of the level of compliance that IDEM can expect if the proposed West Creek Prairie Landfill is permitted.

R&M Disposal has not followed IC 13-30-2-1(7) by overfilling the Feddeler C/D Landfill as indicated in the Agreed Order of Cause No. SW-387, dated April 13, 1999. Specifically, representatives of IDEM met with representatives of R&M Enterprises on May 14, 1998, and July 29, 1998 to discuss overfill of the site which was ultimately determined to be 66,000 cubic yards. A civil penalty of \$98,862.50 was assessed along with an order to perform work valued at \$177,952.50 toward a "Supplemental Environmental Project(s)". This significant violation again demonstrates that R&M Enterprises is not the kind of firm that can be expected to operate a landfill in compliance with IC code. Based on this level of performance, they do not merit another permitted landfill.

I would ask you review "Good Character Form SWF-7" submitted by Robert W. Feddeler as a part of the permit application. I would specifically question the elements of Section D2. Based on what is cited above, I believe that his response to some sections is either incorrect, or not longer valid.

Based on what I have presented, I believe it is clear that R&M Enterprises is not the kind of firm that merits another landfill permit in this or any other community. They have, over a significant period of time, both ignored and consistently violated regulations relating to operation and maintenance of their existing landfill. What other proof than their past performance does IDEM need to demonstrate that they should **not** be in the landfill business in Indiana.

Sincerely,



Thomas A. Johnson

Cc: Lori Caplan
Bruce H. Palin
Greg Overtoom
Leah S. Foutty

Tom Johnson
18907 Idaho Court
Lowell, IN 46356



Mr. Jeff Sewell

I.D.E.M.

Solid Waste Permit Management

100 N. Senate Ave.

P.O. Box 6015

Indianapolis, IN 46206-6015

5

LANDFILL EROSION AND SEDIMENTATION REVIEW

FILE COPY

 Lake County Soil and Water Conservation District

Date of Landfill Review 3-8-99

Name of Landfill: R & M Disposal, Inc.

Location: S.R. 2 at Lowell

Manager/Operator: Robert Feddeler

Review Team:	<u> Lyle Patchett </u>	Associate Supervisor, SWCD
	<u> Larry Osterholz </u>	Stormwater Specialist, IDNR
	<u> Bob Lamprecht </u>	Field Representative, IDEM
	<u> </u>	District Conservationist, NRCS

List additional participants at the review:

Sue Gerlach, Resource Specialist, Indiana Department of Natural Resources

A copy of this SWCD Landfill Review has been sent to:

- | | |
|---|---|
| 1. Commissioner John M. Hamilton
IN Dept. of Environmental Management
Attn: Solid Waste Technical Compliance
OSHW, Rm. N1154
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015 | 4. Bob Lamprecht
IDEM Northwest Regional Office
Gainer Bank Building
504 North Broadway, Room 428
Gary, Indiana 46404 |
| 2. Director Harry Nikides
Division of Soil Conservation
IN. Department of Natural Resources
402 West Washington Street, Room W265
Indianapolis, Indiana 46204 | 5. Larry Osterholz
Stormwater Specialist
800 South College Avenue, Suite 1
Rensselaer, Indiana 47978-3009 |
| 3. Chairman
Board of County Commissioners | 6. Mr. Robert Feddeler
R & M Disposal, Inc.
18501 Clark Road
Lowell, Indiana 46356 |

The following report has been compiled/reviewed by:
(circle one)

Lyle Patchett
Supervisor, SWCD

3-25-99
Date

1. *Is there evidence of erosion?* X Yes No

Describe erosion: Sheet, rill, and gully erosion is occurring on unvegetated areas of the landfill.

2. *Is there evidence of off-site sedimentation?* X Yes No

Describe off-site sedimentation: There is evidence of off-site sedimentation in the ditch along the east side of the railroad tracks (area west and southwest of cell that is being filled). There is also evidence of sediment leaving the site along the perimeter of the soil stockpile located at the north end of the property.

3. *Recommendations and Suggestions:*

Install silt fence approximately 10 feet out from the toeslopes of the soil stockpile (east and south edges of pile) located at the north end of the property. In addition, install silt fence between the railroad ditch and the active construction cell. Place silt fence support posts on the downslope side of the fence. Bury the bottom 6 inches of silt fence in a trench to prevent sediment laden stormwater from flowing underneath the fence. Turn the ends of the fence upslope to prevent stormwater from flowing around the ends of the fence. Overlap and wrap ends of adjoining fences. (See attached Silt Fence Job Sheet)

Fill all gullies that are deeper than 9 inches. Fill with soil material (preferably topsoil) as required by Indiana Department of Environmental Management regulations. Seed areas and cover with erosion control blankets. **Optimum time for seeding is March 1st to May 10th or August 15th to September 30th.** Bury the top edge of the erosion control blanket 4 to 6 inches into the soil to reduce the potential of erosion underneath the blanket.

Apply an intermediate soil cover, seed a temporary vegetative cover (e.g. oats, wheat, or rye), and mulch all unvegetated areas of the site that will be inactive for a period of 45 days or more.

Prior to seeding, apply approximately 400 to 500 pounds of 12-12-12 analysis fertilizer, or equivalent, per acre and work into the upper 2 to 3 inches of topsoil. When working on side slopes, surface roughen the slopes by tracking with bulldozer cleats. Run the bulldozer up and down the slopes to create grooves perpendicular to the slope. This helps reduce runoff velocity, increases infiltration, reduces erosion potential, provides for sediment trapping, and aids in establishment of vegetative cover from seed.

Apply seed uniformly with a drill or cultipacker-seeder and cover to a depth of ¼ to ½ inch or apply with a hydro-seeder. If using a drill or cultipacker seeder, work on the contour. Dormant or frost seeding is an option for nearly level areas on top of the landfill.